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U.S. DISTRICT COURT

2008 JUL 14 AM 10:57

TEXAS-EASTERN

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

BY _____

TRAY BOSWELL

§

VS.

§

CIVIL ACTION NO. 4:07cv453

RON KRESS, ET AL.

§

ORDER OF PARTIAL DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Don D. Bush. The Report and Recommendation of the Magistrate Judge (docket entry #25), which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore

ORDERED that the Defendants' motion to dismiss the malicious prosecution claim (docket entry #17) is **DENIED** as moot. It is further

ORDERED that the Clerk of Court shall note that the malicious prosecution claim was dismissed with prejudice pursuant to a stipulation by the parties and that docket entry #20 designating the stipulation as a motion is terminated. It is finally

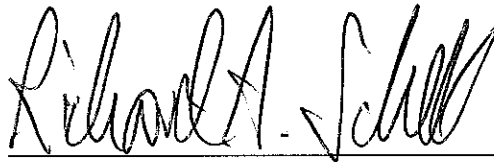
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ORDERED that the Plaintiff's motion to amend stipulation, or in the alternative,
motion to withdraw stipulation of dismissal of Plaintiff's federal malicious prosecution claim
(docket entry #22) is **DENIED**. BY _____

SIGNED this 12th day of July, 2008.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE